മിസ്റ്റർ കെ. പി. വള്ളോൻ.—

(No. 27) ഈ രാജ്യത്തെ അംഗീകൃത ദേവനമാംസത്തിൽ ഉത്സാഹം കുറഞ്ഞുവരുന്നതിനാൽ വേണ്ടി സംരക്ഷണവകുപ്പിൽനിന്നും സംഖ്യകൾ ചിലവു ചെയ്യുന്നതെന്ന് ഈ സഭ ഗവൺമെന്റിനോട് അപേക്ഷിക്കുന്നു.

Mr. K. T. Mathew.—

No. (28) *This Council recommends to the Government to give effect without further delay to the Cochin Tenancy Regulation Amendment Bill passed by the Legislative Council in 1932.*

Mr. K. M. Ibrahim.—

No. (29) *This Council recommends to the Government to enforce laws, systematizing Charity Wakfs.*

Mr. Ismail Hajee Essa Sait.—

No. (30) *This Council recommends to the Government that building used purely for storing merchandise and not for residential purposes in Mattancherry should be exempted from water tax recently imposed.*

No. 31—Land Tax on new exclusions to be reduced to that of the adjacent settled lands.

Mr. A. Eachara Menon—The resolution standing in my name reads thus:—"*That this Council recommends to the Government that the land tax on new exclusions be reduced to the rates obtaining in the adjacent settled lands*".

The new exclusions are high level lands which are sold to the ryots at the rate of Rs. 50—75 per acre. It will require a like sum to bring it under cultivation. The lands now in the possession of the Government to be sold are lands which are not very fertile and which are full of stones and for which the Government now impose an assessment of Rs. 3. The adjacent lands which are low lying lands where cultivation is being carried on is assessed only at the rate of 4 annas to two rupees. This is an anomaly which I have been bringing to the notice of the Government more than three times. The Government must now have come to the conclusion at least seeing this year's weather conditions that it was impossible for any of the persons who have purchased these lands to cultivate it for want of water. Under the circumstances I request the Government to consider that the imposition of Rs. 3 is far too high and that it should be assessed at the rate at which adjacent lands are assessed.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr Joseph Pettah.—I second it and in doing so I would like to know on what ground is this new exclusion taxed at a higher rate so that I may speak. On a point of information I would like to hear the Government before I proceed with this.

Mr. K. Achyuta Menon.—A few words by way of explanation. As a rule new exclusions everywhere are assessed only at the rate adopted for settled lands. The resolution speaks of new exclusions in general throughout the State. I may state for the information of the House that new exclusions are assessed at the same rates for the lands in the vicinity. The Hon'ble Member I suppose is referring to the Kanom exclusions of Chittur which are charged at the paramba rate of Rs. 2—8—0 per acre. These new exclusions are as a general rule charged elsewhere only at the rates adopted for similar settled lands in the locality. These exclusions at Chittur were assessed 20 years ago and particular considerations such as facilities for converting them into lands existed. These are the reasons why higher rates were fixed. They can be used for subsidiary agricultural purposes. These rates were fixed after taking into account the nature of the soil, the utilty to the neighbouring landholders and the amount of income which they can reasonably be expected to yield by successful cultivation. As a result most of these Kanom lands have been disposed of at those rates. There only remain a few more and we have yet to auction them. The invitation to the Government now is to reduce the tax on Kanom lands taken in auction by the land owners. That is the point. They have been settled 20 years ago and in open competition the lands were auctioned. The land owners in the locality fully knowing the conditions have taken those lands in auction. Now by the resolution we are asked to revise the rates fixed 20 years ago giving due consideration of the intrinsic value of the lands and the extent to which the land owners have been benefited as a fact.

By so doing I submit we will be ignoring the other persons who were ready to bid then. Suppose we grant the reduction. What becomes of the other persons who were prepared to take it at Rs. 2-8-0. Supposing there were persons who were then ready to bid for one rupee less and pay an assessment of Rs. 2-8-0. I think it would be unjust to deprive the Government of their revenue, in this manner.

Mr. Joseph Pettah.—If the lands are surrendered will the purchase money be returned.

Mr. K. Achyuta Menon.—No. I think it will be hazardous to reduce the tax on these lands which were settled 20 years

LIBRARY ARCHIVES Kerala Legislative Assembly

ago merely because it is now thought that the rate is high. The Government can give a promise that it will be looked into at the time of the next settlement. We are nearing the settlement.

Mr. Joseph Pettah.—What is the total acreage of this category of lands?

Mr. K. Achyuta Menon.—1930 acres have been assigned of which 710 acres have been converted into niloms and the remaining 1220 acres remain as parambas and are charged at the rate of Rs. 2-8-0 per acre. We have now passed 20 years and if this question is raised I think it will be a matter for consideration at the time of the next settlement. To unsettle a tax which was fixed 20 years ago would be a bad precedent and it would create complications where the complications could be avoided by going into the question at the time of the settlement.

Mr. A. Sivarama Menon.—Mr. President Sir, The Hon'ble Member for Revenue with his usual ability has argued a case for the Government. I am trying Sir, to place before the House a few facts regarding this matter which I hope will convince the House that a very great injustice has been done to a large section of the population of the State. I do not pretend that they have any legal right or I am attempting to establish any legal right. To say that because the levy has been made and has been collected for 20 years and therefore no relief can be given by reducing the levy is to confront the mover with a proposition which is opposed to laws and practice and use. I submit, this is hardly sympathetic. What happened is this. Years ago when a vast area in the Chittur Taluk was reserved for growing forest there was an agitation that there was no necessity to reserve such vast areas for the purpose of a reserve forest, for the locality which was notorious for Malaria in early days. As a result clearing took place as it was thought that the place would otherwise revert to the unhealthy position if that policy was followed. As a result of that agitation, certain portions that were originally ordered to be reserved were excluded from the operation of that year and after some time these areas were sold in public auction by the Government. Several land holders of the adjoining parts were compelled to purchase them for sheer necessity, if I believe aright. The Hon'ble Member for Revenue will correct me if I am wrong. The Government realised roughly speaking a price of Rs. 200 per acre and the people at that time thought that there were heaps of money buried in these lands. They also thought that these lands could be converted into double crop lands and get the benefit of the irrigation system which the Taluk possessed and get good bumper

LIBRARY ARCHIVES Kerala Legislative Assembly

crops and make heaps of money. With that ambition several people went in for this. As a matter of fact the Hon'ble Member for Revenue knows today, but he has restricted himself to the paramba portion of the exclusion that practically the vast acreage of the plots that were settled as second crop lands remain today as parambas without being converted and the ryots paying all the while the double crop assessment rates. I am placing before you a concrete case of one particular ryot who went in for an extent of about 250 acres and who agreed to pay an assessment of a little over Rs. 1000 per year who I submit had every temptation to go in for that at the time, is, I believe, today with a humble petition before the Government that he has not been able to get anything out of this and that he would feel considerable relief if the Government would view his case with sympathy. I know of other cases where the plots were purchased at Rs. 175. One plot particularly an extent of 40 acres continues today as paramba. I know that the Government and the Hon'ble Member for Revenue will put the question what are we to do for that. You hoped to convert these plots into double crop lands and get money out of it. You have not done it. What are we to do. Legally they are right. The owner of this particular plot of 40 acres has been paying at the rate of Rs. 200 per year for the past 12 years, and the return he has had I can confidently tell you is NIL. There are other similar cases also. We are not concerned only with the case of people who have gone in for plots agreeing to pay the paramba rate of Rs. 5. Such a high rate of Rs. 5 is unknown in any other part of the State. That is a special rate levied for special reasons. I do not deny that, both the Government and people considered that these were very valuable plots and if some little money is spent on reclamation, they would be benefited considerably. But that was a hope which has never been realised and the net result of this transaction has been that the people have suffered very largely and a number of people have already begun to feel the burden is too much for them to bear. I am certain that the Government must have already received petitions with regard to this matter. One case I know personally. That is the case of one Mr. R. Ponnan Pillai. That is with the Government now. What I am anxious to bring to the notice of the House is that the Government must be pleased to look at it with a very sympathetic heart. People have suffered. They have been paying no doubt though they could have brought this matter to the notice of the Government long long ago. If there has been any delay in bringing this matter to the notice of the Government I submit that it should not be taken advantage of and whatever relief is

LIBRARY ARCHIVES Kerala Legislative Assembly

possible must certainly be afforded to them even at this late hour. I am not exaggerating when I say that most of these people who agreed to pay these assessments have had only the privilege of paying the Government revenue and no other benefit as a result of this transaction. The question was put whether in case the lands are surrendered they could expect anything of what they paid. Of course it is impossible to hope that the Government will pay back the money. Even if it is not done I am certain the people will ere long be driven to the necessity of surrendering these lands because they can be rid of the burden of paying the assessment. Of course to pay at the rate of Rs. 200 per year and to get nothing out of 40 acres is certainly not a pleasant thing in these days. I request the Government to look into this matter with that great sympathy for which our Government is noted and also to view this question in the same spirit which they illustrated in connection with the recent seasonal calamity there. I do hope that the members of this House will strengthen the hands of the Government by recording their opinion in favour of this proposition.

Mr. K. Achyuta Menon.— A very short history of the Chittur Kanoms may not be out of place. These Kanoms were about 4 miles in extent in Chittur and the bulk of it was served by the irrigation systems of Chittur. In the year 1078 there was a proposal to reafforest the whole area so that they might be planted with teak and other valuable trees. The Landholders of Chittur protested against this decision. They wanted a disafforestation of the area so that it may be assigned to them. Government wanted to make use of it. The land owners were not in favour of it. In the year 1078 Rao Bahadur V. T. Krishnamachari now Diwan of Baroda fixed certain rates of assessment in respect of lands capable of being converted into niloms. The rate was Rs. 2—0—0, for the first year Rs. 2½ for the 2nd year, Rs. 3½ for the 3rd year and Rs. 5—8—0 from the 4th year onwards. Exclusive of certain other smaller amounts. These rates were accepted by the Government. The first sale was conducted in the year 1079 by Rao Bahadur Kasturirenga Ayyar and his report a copy of which I have got shows that actually there was no protest in regard to the rate charged.

Mr. A. Eachara Menon.—Nobody knew it.

Mr. K. Achyutha Menon.—Whether the Hon'ble Member can vouch for the understanding of other Members I leave it to the House. It may be that he did not care to understand. But making the usual presumption which is made in this matter

LIBRARY ARCHIVES Kerala Legislative Assembly

that a man is capable of taking care of himself it will not be too much to ask the House to believe that as a matter of fact these conditions were known to the purchasers. The presumption is that the people went and read the notification. At any rate when they paid the rent for the first year they must certainly have known the terms. And yet till now there have been no complaints. Not only no complaints. But after the sale was over there were other petitions that more areas should be excluded and in the year 1096 there was another sale. Even in 1096 when all members including the Hon'ble Member must have known the rate there was no complaint with-respect to the rate fixed in this notification. Upon those rates fixed 1930 acres were assigned of which 710 acres had been converted into niloms. The others which were taken were not only not converted into niloms but the owners of those portions, for reasons which we do not know, did not even care to take to dry cultivation. They allowed them to remain there. If anything the lands have increased in value now because teak trees which were once the monopoly of the State are no longer so. That is how the position stands and one more fact which ought to be borne in mind in this matter is that these rates were fixed on two considerations. One was with respect to the rate of similar settled lands and another with respect to the possible loss to the Government of the Forest Revenue which was fixed at Rs. 2. 3. 6 per acre.

"It was I who conducted the first auction in 1089 of these lands and the Hon'ble Member may accept my assurance that there was absolutely no complaint from any source about the rates of assessment. They were only anxious to get the lands. For the paramba or dry a rate of Rs. 2—8—0 per acre was fixed by Mr. Krishnamachari on the consideration of (1) the probable loss of forest revenue to Government by disafforestation which was estimated at Rs. 2—3—6 per acre and (2) the rate of assessment of similar lands in the Taluk (Rs. 2 per acre). These parambas are beautiful black loam and if only the cultivators are industrious and enterprising, valuable commercial crops, such as cotton, ground nut, etc., may be grown. Now the lands have become more valuable by the abolition of monopoly on teak by one of the gracious boons granted by His Highness the Maha Raja on the auspicious occasion of His 70th Birthday. There is a great demand for the lands to grow teak".

He also looked into the rate of assessment in the locality. As it happens now the prices on staple products have fallen down and it may probably be a fact that that gain which they expected to realise when they went for these lands it would be very problamatical whether they will get now.

Looking at the thing from the point of view of the principle cannot a similar request be made in the case of ordinary asses-

LIBRARY ARCHIVES Kerala Legislative Assembly

ment because the prices of staple products have fallen down. Suppose for argument sake it is proved that prices of commodities have fallen down. Is it a case for reduction of assessment during the settlement period? On principle, to unsettle these settled rates merely because the prices of have gone down at the very fag end of the settlement is improper.

Mr. A. Sivarama Menon.— Then what about the remission of land revenue.

Mr. K. Achyuta Menon.— Remission of land Revenue is based on different considerations. For various reasons, the Government in their generosity thought of giving a remission.

Mr. A. Sankara Poduval.— What was the auction rate?

Mr. K. Achyuta Menon.—Between Rs. 175 and Rs. 200.

The assessment was, therefore, known all along to be Rs. 2. 8. 0. It was being paid. It is now alleged that it has become unprofitable. The question is whether it is a sufficient reason to make a general wholesale reduction. So that I submit on principle it would be very dangerous to interefere with these kanams and give a reduction with respect to these 1930 acres.

The Government have held out a promise in reply to a resolution from my Hon'ble friend before that they will look into this matter at the time of the next settlement. I submit that the House ought to be satisfied with that assurance that they will look into the matter at the next settlement which judging by dates does not appear to be far off.

Mr. A. Sankara Poduval.—In spite of the hardship that has been explained here by the Hon'ble Member for Chittur I am inclined to agree with the Government in this matter, because it is an exceptional case. The *kanam* lands were auctioned on the definite understanding that so much in the shape of tax would be levied upon the purchasers and upon that understanding the lands were taken at auction: not once, but on two occasions. And the present economic depression and the fall in prices would be no excuse whatever for showing any leniency in the matter of reduction of assessment. That is a matter of all round reduction and land revenue. There is no special reason why any special distinction should be made in the case of these *kanam* lands. In regard to the first sale of *kanam* lands I am aware of an incident in which I had to appear before the Diwan where some of these lands purchased were again acquired by the Sirkar. In regard to some of these lands possessed by Mr. Chondath Chemu Mannadiar the then Diwan

LIBRARY ARCHIVES Kerala Legislative Assembly

Peishkar who acquired these lands, Mr. T. S. Narayana Ayyar, gave him absolutely nothing as value for reclamation and then Mr. Mannadiar very humorously told me "ഇവ ടി പാർത്തിയുടെ മുന്നിലും ഞാൻ പൂജ്യനായി", a cipher in all the three columns. (Laughter). Absolutely no amount was paid. Mr. Mannaidiar told me "I cannot claim anything because I went in for this purchase with my eyes open". No doubt, he was put to loss. Then followed the two other auctions referred to by my Hon'ble friend and there was keen competition and at the instance of that competition Rs. 100 to Rs. 200 was fetched. It is only the fault of the purchaser. I am in full sympathy with him but on principle we cannot say that this case should be treated with some particular partiality or favour. I am, therefore, constrained to oppose this resolution. It is also refreshing to see that the Government holds out a promise to look into the matter again at the time of the next re-settlement.

Mr. A. Eachara Menon.— The Honb'le Leader of the House has been pleased to give a history of the *kanam* lands. At that time people had a craze for land and they went for it and the prize went up simply because these lands were taken from the landholders who possessed cultivating lands there. Owing to the plantation of these teak trees near the cultivating fields they were harrassed by the wild animals and so they were prepared to pay any price so that they may clear the forest and keep their cultivating lands free from the depradations of the wild animals. So when they found that there were owners of lands to go in for these parambas other people stepped in thinking that they also can enrich themselves by going for these lands. It was so, that the price went up. That the people came to know of the position only very recently can be seen from the fact that for the last three or four years the Government had been budgetting a lakh of rupees under the receipts side and they were getting nothing. So much so last year I think they reduced it to 50 thousand rupees.

Mr. K. Achyuta Menon.—On a point of explanation, Sir. That lakh of rupees includes Rs. 80,000 on account of the Thoosam lands and we have realised the 80,000 this year. So there is only Rs. 20,000 for which we budgetted.

Mr. A. Eacahra Menon.—One reason why the lands were taxed at the high rate was because the Government had to incur some loss by disafforestation. These lands were taken away from the adjoining landholders almost for nothing. While they were returning the lands to them they take Rs. 175 or so per acre. These lands were in the possession of the landholders before.

LIBRARY ARCHIVES Kerala Legislative Assembly

The Government for planting teak trees took away these lands for nothing. The Leader of the House has been pleased to say that these were fertile lands. I am sure that he has not seen the lands. He has some lands to be sold. The Department had been trying their level best to sell the lands at Rs. 50 for the last so many years. No one came to purchase them. It is only because they knew that the rates are such that they would not be able to gain anything out of them.

Anyhow, since the Government has said that they will look into the matter I beg the leave of the House to withdraw the resolution.

Resolution was, with leave, withdrawn.

No. 32 Improving the prospects of the Graduates in Service by amending the note to S. O. 17.

Mr. E. Ikkanda Warrier.—Sir, the resolution standing in my name runs thus:—

"With a view to improve the prospects of the graduates in the Government service and to increase efficiency of service this Council recommends to the Government to amend the note to section 17 of the Standing Orders to the effect that all promotions to responsible higher posts to which graduates alone are appointed length of total servie alone and not the pay has to be counted in deciding seniority.

This resolution as well as Resolution No. 38 standing in my name were intended to remove the grievances of the graduate clerks in the various departments. I find promotions in the service are governed by paragraph 17 of the Standing Orders which runs thus:—

"Subject to considerations of honesty and efficiency, promotions should be given as a rule in the order of seniority. But no official should, simply on the ground of seniority in service, be appointed to a post the duties of which he is not competent to discharge". Then the note which I propose to get amended by means of my resolution runs thus:—

"The seniority in a grade for purposes of promotion should be counted from the date of permanent appointment to that grade".

The Standing Orders gives only seniority according to the length of service. As a matter of fact, we find the pay of the respective competing claimants for promotion comes into play between them, although that fact is not specifically mentioned in the note to the Standing Order. I think I will make my point clearer by means of an illustration. There is a lot of difference between the chances of promotion for graduates in the

LIBRARY ARCHIVES Kerala Legislative Assembly